

EXHIBT 4

MIDDLE DISTRICT OF ALABAMA

* * * * *
LORI ANN MORRIS *
*
VERSUS *
*
EDWARD NEAL THOMPSON AND *
FLORIDA TRANSFORMER *
* * * * *

* No. 3:05-CV-962-T
*

The deposition of ANDRE E. LeBLEU, P.E., 17474
Opportunity Avenue, Baton Rouge, Louisiana, 70814-
7470, taken by counsel for the Defendant at the
Office of Edward A. Robinson III, Esq., 600 North
Foster Drive, Baton Rouge, Louisiana, commencing at
10:36 a.m. on July 26, 2006.

COPY

Reported by: Kelly G. Young, CCR

Registered Professional Reporter

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<p>18</p> <p>1 review. He'll be happy to indicate to you</p> <p>2 what he reviewed, and at that point he can</p> <p>3 show you the documents that he reviewed. I</p> <p>4 think it's in his deposition -- not</p> <p>5 deposition, affidavit. Some of the things</p> <p>6 you reviewed are in here. Isn't that</p> <p>7 correct, Mr. LeBleu?</p> <p>8 A. Correct.</p> <p>9 MR. BRITTAIN:</p> <p>10 What I will do is this. Can you go</p> <p>11 through this while -- I'm going to be</p> <p>12 asking some preliminary questions. Can you</p> <p>13 go through this --</p> <p>14 DR. ROBINSON:</p> <p>15 It wouldn't take me five minutes.</p> <p>16 MR. BRITTAIN:</p> <p>17 If you'll go through that, then let me</p> <p>18 know whether you'll copy for me the whole</p> <p>19 thing or whether there's some things you're</p> <p>20 objecting to me seeing. Let me know what</p> <p>21 those are. If there's anything on there</p> <p>22 we'll make a privilege log and take it up</p> <p>23 with Judge Thompson later on. How about</p> <p>24 that? Can we do that?</p> <p>25 DR. ROBINSON:</p>	<p>20</p> <p>1 What we'll do is this. We'll go on</p> <p>2 and do this. Is it all right with you all</p> <p>3 if she takes that binder, makes a copy of</p> <p>4 it, and sends the original back to you and</p> <p>5 attaches a copy to the deposition? Would</p> <p>6 that be all right?</p> <p>7 DR. ROBINSON:</p> <p>8 Is there anything else?</p> <p>9 A. This is something you and me worked on.</p> <p>10 DR. ROBINSON:</p> <p>11 For the affidavit?</p> <p>12 A. Yes.</p> <p>13 DR. ROBINSON:</p> <p>14 Do you need that, sir?</p> <p>15 MR. BRITTAIN:</p> <p>16 Yes. We're going to go through that</p> <p>17 in a second.</p> <p>18 BY MR. BRITTAIN:</p> <p>19 Q. Let me -- you've provided us with what I'm</p> <p>20 going to mark as Exhibit 2. Let me ask you to</p> <p>21 identify that, please.</p> <p>22 A. This is my affidavit.</p> <p>23 Q. Okay. Attached to that, did you also</p> <p>24 include a resume or a CV?</p> <p>25 A. That's right.</p>
<p>19</p> <p>1 That will be fine.</p> <p>2 BY MR. BRITTAIN:</p> <p>3 Q. While he's doing that let me ask you this.</p> <p>4 Did you go through this Exhibit 1 and bring with you</p> <p>5 everything that was requested through these items?</p> <p>6 A. I've done that.</p> <p>7 Q. So that would all be in that booklet that</p> <p>8 Dr. Robinson is looking through right now?</p> <p>9 A. This book, I used some of that right there.</p> <p>10 I also got some things that I got off the internet,</p> <p>11 things like that.</p> <p>12 Q. Have you ever been involved in any kind of</p> <p>13 litigation before as an expert?</p> <p>14 A. No.</p> <p>15 DR. ROBINSON:</p> <p>16 I've looked at it. I don't see any</p> <p>17 problem with anything in here. The only</p> <p>18 thing I would like to say again on the</p> <p>19 record that the letter of May 10th, 2006,</p> <p>20 was written after his report, and that's a</p> <p>21 letter from Attorney Penick notifying of</p> <p>22 the deposition. We'll be happy to make a</p> <p>23 copy of this available to you. I just</p> <p>24 hadn't had a chance to see what it was.</p> <p>25 MR. BRITTAIN:</p>	<p>21</p> <p>1 Q. Is that up to date through when, roughly?</p> <p>2 DR. ROBINSON:</p> <p>3 Do you have an extra copy of it with</p> <p>4 you today?</p> <p>5 A. I haven't updated it since then.</p> <p>6 BY MR. LEBLEU:</p> <p>7 Q. So that's your most up to date?</p> <p>8 A. That's correct.</p> <p>9 Q. It says on here that you're a board</p> <p>10 certified electrical engineer. Is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And that is for the states of Arkansas,</p> <p>13 Florida, Louisiana and Texas. Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. You're not board certified in Alabama. Is</p> <p>16 that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Not licensed in Alabama?</p> <p>19 A. That's correct.</p> <p>20 Q. And what is your board certification in?</p> <p>21 A. I think they all end sometime next year.</p> <p>22 Q. That was a poor question. It's in the</p> <p>23 field of electrical engineering?</p> <p>24 A. In electrical engineering only.</p> <p>25 Q. So this is the first time you've ever been</p>

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<p>22</p> <p>1 retained by anybody to testify?</p> <p>2 A. That's correct.</p> <p>3 Q. And who was it that first contacted you</p> <p>4 about testifying in this case?</p> <p>5 A. We received a call from Dr. Robinson, I</p> <p>6 believe.</p> <p>7 Q. All right. Let me ask you this. Through</p> <p>8 the course of -- how long have you been an engineer?</p> <p>9 A. Since 1987.</p> <p>10 Q. All right. Let me just kind of go through</p> <p>11 your resume here. You've been -- LAPTEC has been in</p> <p>12 existence since 1999?</p> <p>13 A. It probably started a few years before</p> <p>14 then.</p> <p>15 Q. Were you one of the founders of LAPTEC?</p> <p>16 A. I got in after it was founded.</p> <p>17 Q. Have you held the same position as</p> <p>18 vice-president the entire time you've been there?</p> <p>19 A. That's correct.</p> <p>20 Q. And in your dealings at LAPTEC, have you</p> <p>21 ever investigated any electrical systems for 18</p> <p>22 wheelers?</p> <p>23 A. No.</p> <p>24 Q. Have you ever done it in your experience</p> <p>25 ever?</p>	<p>24</p> <p>1 Q. And tell me, kind of break down what else</p> <p>2 you do. I don't know much about electrical</p> <p>3 engineering.</p> <p>4 A. Beyond that we do designs, which we</p> <p>5 implement in whatever facilities that we're</p> <p>6 contracted to do so. We develop a design which</p> <p>7 specifies every part and piece that goes with the</p> <p>8 electrical system. Not the major parts. We'll tell</p> <p>9 them the wire, how to install the wire, how to</p> <p>10 connect it, the equipment that's going to connect</p> <p>11 it, all the breakers, the protective devices in the</p> <p>12 breakers, down to the motors. We look at how it's</p> <p>13 going to be loaded, so forth. Do you need more</p> <p>14 detail?</p> <p>15 A. That's plenty right there.</p> <p>16 Q. What are you doing these designs for? Is</p> <p>17 it buildings; is it computers; is it cars?</p> <p>18 A. We basically provide power for buildings,</p> <p>19 industrial systems. That's pretty much it. We</p> <p>20 analyze systems, also, for various electrical</p> <p>21 properties to make sure they operate within safe</p> <p>22 applications.</p> <p>23 Q. Any of your design work, has that ever been</p> <p>24 done for 18 wheelers?</p> <p>25 A. No.</p>
<p>23</p> <p>1 A. No.</p> <p>2 Q. I'm not going to go -- what did you do at</p> <p>3 Power and Control Systems in Baton Rouge?</p> <p>4 A. Basically the same things I've done for</p> <p>5 LAPTEC.</p> <p>6 Q. Okay. And what about Bertrand Engineers?</p> <p>7 A. All of these except the beginning ones,</p> <p>8 FAA, was basically -- we were working more with</p> <p>9 radar systems instead of commercial industrial</p> <p>10 electrical systems.</p> <p>11 Q. Tell me generally what you concentrate on.</p> <p>12 Do you work on buildings?</p> <p>13 A. I work primarily on electrical systems,</p> <p>14 protection of electrical systems. We're considered</p> <p>15 to be experts on every aspect of electrical systems.</p> <p>16 Q. You said protection of electrical systems.</p> <p>17 Would that be like from power surges or lightning</p> <p>18 strikes?</p> <p>19 A. That would be that, that's correct.</p> <p>20 Q. What percentage do you think of your work</p> <p>21 is devoted towards protection of electrical systems?</p> <p>22 A. I would say 50 percent at least.</p> <p>23 Q. All right. So that's your primary focus.</p> <p>24 Is that correct?</p> <p>25 A. That's what we attempt to do.</p>	<p>25</p> <p>1 Q. What about any kind of vehicles or</p> <p>2 automotive equipment?</p> <p>3 A. No.</p> <p>4 Q. Anything other than buildings?</p> <p>5 A. It's basically going to be power systems</p> <p>6 that we've done for whatever, motors that supply</p> <p>7 power to motors or devices or something within a</p> <p>8 facility.</p> <p>9 Q. When you say motors, is that kind of like</p> <p>10 if you were in a plant --</p> <p>11 A. That's right.</p> <p>12 Q. -- and they've got a big old generator or</p> <p>13 something running, that's what you're talking about?</p> <p>14 A. Yes. I'm going to get electrical power to</p> <p>15 power motors or lights or any types of things that</p> <p>16 require electrical service.</p> <p>17 Q. You started with FAA, and then you moved</p> <p>18 back to Baton Rouge and have been here ever since</p> <p>19 doing that same kind of work?</p> <p>20 A. That's correct.</p> <p>21 Q. When were you born?</p> <p>22 A. Nineteen sixty-four.</p> <p>23 Q. And where did you go to college?</p> <p>24 A. I went to the University -- it's now</p> <p>25 University of Louisiana at Lafayette.</p>

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<p>50</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. Back to your report or your</p> <p>4 affidavit. Is this the only thing -- you don't have</p> <p>5 a report, do you?</p> <p>6 A. I've got a very short report that I</p> <p>7 presented earlier.</p> <p>8 DR. ROBINSON:</p> <p>9 That was the project note.</p> <p>10 MR. BRITTAIN:</p> <p>11 I'm going to mark that as Exhibit 6.</p> <p>12 DR. ROBINSON:</p> <p>13 What was No. 5? Was that the</p> <p>14 affidavit?</p> <p>15 MR. BRITTAIN:</p> <p>16 Five is that fax.</p> <p>17 DR. ROBINSON:</p> <p>18 Okay.</p> <p>19 MR. BRITTAIN:</p> <p>20 Four is the book.</p> <p>21 DR. ROBINSON:</p> <p>22 And this is Exhibit No. 6 then, and</p> <p>23 this is the project note.</p> <p>24 MR. BRITTAIN:</p> <p>25 Right.</p>	<p>52</p> <p>1 by Dr. Robinson.</p> <p>2 Q. Let me see what you've got there.</p> <p>3 A. Some general brochures. One of them is for</p> <p>4 a W900 Kenworth, and one is for a T800 Kenworth. Is</p> <p>5 that right?</p> <p>6 A. That's correct.</p> <p>7 Q. These were provided to you by Dr. Robinson?</p> <p>8 A. That's correct.</p> <p>9 Q. Dr. Robinson or Attorney Robinson?</p> <p>10 DR. ROBINSON:</p> <p>11 Attorney Robinson.</p> <p>12 BY MR. BRITTAIN:</p> <p>13 Q. And then you have another one in your blue</p> <p>14 book right there. Is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And what is that for?</p> <p>17 A. Interiors and sleepers. I didn't really</p> <p>18 use that.</p> <p>19 Q. What did you say, this was a T600 involved</p> <p>20 in this accident?</p> <p>21 A. From what I understand it was a T600.</p> <p>22 Q. When did you get these two provided by</p> <p>23 Attorney Robinson?</p> <p>24 A. I got them when I got this right here.</p> <p>25 Q. Will you stick these in that book, too, and</p>
<p>51</p> <p>1 BY MR. BRITTAIN:</p> <p>2 Q. Other than the affidavit and the project</p> <p>3 note, are there any other reports, or affidavits, or</p> <p>4 anything else that you plan on using or that you</p> <p>5 developed?</p> <p>6 A. I plan on using the brochures that were --</p> <p>7 that I had.</p> <p>8 Q. I'm going to get to that in a second.</p> <p>9 Other than what you've generated. I'm just talking</p> <p>10 about what you've generated.</p> <p>11 A. No, that's it.</p> <p>12 DR. ROBINSON:</p> <p>13 Attorney Brittain, could I just ask</p> <p>14 you did you give an exhibit number to the</p> <p>15 affidavit yet? I didn't get that.</p> <p>16 MR. BRITTAIN:</p> <p>17 Number 2.</p> <p>18 BY MR. BRITTAIN:</p> <p>19 Q. Do you have a copy of -- you just mentioned</p> <p>20 some Kenworth materials?</p> <p>21 A. That's correct.</p> <p>22 Q. Do you have a copy of those?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Is that in your book?</p> <p>25 A. I took them out. These were provided to me</p>	<p>53</p> <p>1 let's get a copy of those?</p> <p>2 A. (Complied with request.)</p> <p>3 Q. In your affidavit you state that your</p> <p>4 opinions and conclusions are based upon standard</p> <p>5 methodologies accepted and utilized throughout the</p> <p>6 electrical engineering profession. What standard</p> <p>7 methodologies are we talking about?</p> <p>8 A. We're going to talk about -- we're going to</p> <p>9 examine the way the wires are mounted in the truck.</p> <p>10 We're going to just go look at things about</p> <p>11 batteries. We're going to try to look at everything</p> <p>12 that's in there, that kind of thing.</p> <p>13 Q. Okay. Standard methodology, I know like</p> <p>14 for accountants they have the generally accepted</p> <p>15 accounting principles. Is there anything like that</p> <p>16 in the electrical engineering field?</p> <p>17 A. We have the National Electric Code. That's</p> <p>18 just something we just go through to make sure</p> <p>19 everything is done safely. Trucking industry is</p> <p>20 going to put that in. They're going to do that.</p> <p>21 They're going to meet all those qualifications.</p> <p>22 Being that I don't have the truck to look at, I'm</p> <p>23 going to go and make sure those things are met,</p> <p>24 which the trucking industry is going to meet, and</p> <p>25 then I'm going to use my own experience and go</p>

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<p style="text-align: right;">94</p> <p>1 see any pictures taken that would indicate the</p> <p>2 lights of the Kenworth were on even after the final</p> <p>3 impact?</p> <p>4 A. All I can say is after the impact there was</p> <p>5 no -- from the pictures I saw which were after the</p> <p>6 impact there were no lights on.</p> <p>7 Q. You've shown me a picture there of a</p> <p>8 headlight that's intact, and you said that in your</p> <p>9 opinion supports your belief that the lights were on</p> <p>10 after the rollover?</p> <p>11 A. That's right.</p> <p>12 Q. We know -- assume the lights were off after</p> <p>13 the second impact?</p> <p>14 A. Right.</p> <p>15 Q. That picture was taken after that impact.</p> <p>16 Isn't that right?</p> <p>17 A. That's right.</p> <p>18 Q. So if the lights were off after the impact</p> <p>19 with the Peterbilt, I mean the fact that that</p> <p>20 headlight is intact wouldn't really mean anything,</p> <p>21 would it?</p> <p>22 A. After the second impact it doesn't mean</p> <p>23 anything. The first impact on the ground would lead</p> <p>24 me to believe that -- this appears to be on the</p> <p>25 driver's side, and the light structure is not messed</p>	<p style="text-align: right;">96</p> <p>1 A. I guess so.</p> <p>2 Q. Is it connected in any way to the truck?</p> <p>3 A. From what I can see there, no.</p> <p>4 Q. Do you know whether that came off at the</p> <p>5 rollover or whether it came off at the impact?</p> <p>6 A. I don't know that.</p> <p>7 Q. If it came off during the rollover would</p> <p>8 you agree with me that it isn't going to be lighting</p> <p>9 up?</p> <p>10 A. If it came off during rollover certainly.</p> <p>11 Q. Can you say one way or the other which one</p> <p>12 caused it to come off?</p> <p>13 A. I can't say that.</p> <p>14 MR. ROBINSON:</p> <p>15 More probably than not.</p> <p>16 A. More than probably not I would assume it</p> <p>17 would be on after the rollover.</p> <p>18 BY MR. BRITTAIN:</p> <p>19 Q. Tell me why that is.</p> <p>20 A. Because this light -- I made a point to</p> <p>21 look at trucks this weekend, and that light is also</p> <p>22 right within the wheel.</p> <p>23 Q. On which side?</p> <p>24 A. Both sides.</p> <p>25 Q. Which side did this light come from?</p>
<p style="text-align: right;">95</p> <p>1 up</p> <p>2 Q. What I'm saying is this. I mean we know</p> <p>3 the lights were off. When all the dust cleared and</p> <p>4 everything stopped, no more impacts, no more damage,</p> <p>5 nothing, we know the lights were off. All right?</p> <p>6 A. Okay.</p> <p>7 Q. Now, you're saying that this picture that</p> <p>8 was taken after the fact that shows this intact</p> <p>9 headlight means to you the light was on before the</p> <p>10 impact from the Peterbilt. Am I understanding you</p> <p>11 correctly to say that?</p> <p>12 A. This light being that the light box from</p> <p>13 what I can see in this picture appears to still be</p> <p>14 intact lends me to believe that this light structure</p> <p>15 was okay after the rollover.</p> <p>16 Q. Well, based on that then, based on that</p> <p>17 belief wouldn't you expect then for the lights to be</p> <p>18 on even after everything was all said and done with?</p> <p>19 A. You mean after this, after the second</p> <p>20 impact?</p> <p>21 Q. After the second impact.</p> <p>22 A. Well, obviously, the light is not on the</p> <p>23 truck at that point.</p> <p>24 Q. Did somebody pick that up and put it in</p> <p>25 there?</p>	<p style="text-align: right;">97</p> <p>1 A. I think that would be on the left side.</p> <p>2 Q. Driver's side?</p> <p>3 A. Uh-huh (indicating an affirmative</p> <p>4 response).</p> <p>5 Q. Do you know it came from the driver's side,</p> <p>6 or do you think it came from the driver's side, or</p> <p>7 are you just guessing that it came from the driver's</p> <p>8 side?</p> <p>9 A. I don't know.</p> <p>10 Q. The basis of your opinion though, you're</p> <p>11 assuming that it did come from the driver's side?</p> <p>12 A. It would lend to that being that that was</p> <p>13 the other side -- this rubbed against -- this light</p> <p>14 could only come from that side. The other side</p> <p>15 would not have been damaged. It wouldn't have</p> <p>16 rubbed against the ground. It wouldn't have been in</p> <p>17 a place where it could have come off the truck</p> <p>18 unless somebody took the opportunity to take it off</p> <p>19 the truck.</p> <p>20 Q. It's just as likely that this came off of</p> <p>21 the passenger's side, isn't it?</p> <p>22 A. No.</p> <p>23 Q. Tell me why that is.</p> <p>24 A. Because the driver's side was on the</p> <p>25 ground.</p>

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<p style="text-align: right;">98</p> <p>1 Q. What does that -- explain this to me. I 2 don't understand what you're telling me. 3 A. I'm just saying that that side of the truck 4 is right there on the ground, which I don't know how 5 the truck laid on the ground. This is going to be 6 very near the ground. From what I could see the 7 Peterbilt truck that ran into the back of it right 8 here, this wouldn't have rubbed off, wouldn't have 9 been forced off in any way. It appears it's forced 10 off. It looks like there's some tears right there. 11 Q. But, again, you don't know whether that was 12 forced off by the rollover, by the impact with the 13 Peterbilt, or by them putting it on a wrecker and 14 hauling it down the road either, do you? 15 DR. ROBINSON: 16 I would just object to the form 17 because we do know this is a photograph 18 taken after the collision. We do know 19 that. 20 A. That's correct. 21 BY MR. BRITTAIN: 22 Q. Do you know whether that photograph was 23 taken at the accident scene? 24 A. This was taken with Mr. Messerschmidt, the 25 investigator.</p>	<p style="text-align: right;">100</p> <p>1 the cab, how the filaments in the cab bulb give any 2 indication to you that lights were on outside? 3 A. Just if the bulbs went through a rollover 4 and an impact from the second, it would stand to 5 believe that the lights would still operate. Being 6 it was night we can all assume that he had his 7 lights on. From that I can say, you know, I would 8 assume or more probable than not that the lights 9 would be, you know, they could operate. 10 Q. And according to the way you're developing 11 that opinion, the lights should have been on even 12 after the impact? 13 A. No, I can't say that. 14 Q. Tell me what the difference is. I mean the 15 filament in the cab remained intact we know from the 16 rollover and then from -- even after the impact. So 17 what changes between the rollover and impact? 18 A. After the impact, again, we said the cab 19 was thrown off of the tractor. So at that point we 20 don't -- all bets are off. We don't know what 21 happened. 22 DR. ROBINSON: 23 He needs to know why. 24 BY MR. BRITTAIN: 25 Q. What I'm trying to figure out is how does a</p>
<p style="text-align: right;">99</p> <p>1 COURT REPORTER: 2 Whose investigation? 3 DR. ROBINSON: 4 Dr. Edward L. Robinson's office. 5 BY MR. BRITTAIN: 6 Q. All right. Here is my question. So that 7 was taken after it was already taken to the 8 junkyard? 9 A. Yes. 10 Q. You don't know whether this light right 11 here had been removed between the accident scene and 12 the junkyard, do you? 13 A. I can't say where it is, you know, where it 14 was removed. 15 Q. So it could have either come off the 16 rollover, or it could have come off during the 17 impact, or it could have come off when somebody 18 pulled it off later and sometime in between the 19 impact and when this picture was taken? 20 A. Yes, sir. 21 Q. And all of those is equally likely? 22 A. I think I'm stepping out of my bounds as an 23 electrical guy to comment on when it would have come 24 off. 25 Q. All right. Explain to me how the bulbs in</p>	<p style="text-align: right;">101</p> <p>1 filament of a light inside the cab have anything to 2 do with -- I mean I'll agree with you if -- I don't 3 agree that this is what happened, but if the cab was 4 separated from the chassis during the impact and the 5 wires were broken, that the light in the cab 6 wouldn't be on any more, and that if everything was 7 hooked up properly it would have been on beforehand. 8 I understand what you're saying as far as that goes. 9 But what I'm saying is what difference does 10 it make as far as that filament goes? 11 A. What I'm saying is if the lights were on -- 12 he went through and had a rollover, we have a 13 filament that's intact, then he got hit by another 14 truck and the filament is intact. To me that 15 indicates that the lights are pretty tough, they can 16 handle it, they're going to be on. 17 Q. You're talking about the filaments within 18 the lights, the headlights, taillights and running 19 lights and all that? 20 A. More probable than not. 21 Q. So based on the fact that -- where exactly 22 is this interior light filament, the interior light 23 actually that the bulb went into? 24 A. I can't say exactly what these bulbs come 25 from. They took a shot of these two, these two</p>

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<p style="text-align: right;">102</p> <p>1 inner side lights.</p> <p>2 Q. You're talking about these two things right</p> <p>3 here on the last page?</p> <p>4 A. Right.</p> <p>5 Q. So you say, based on the fact that the</p> <p>6 filaments were intact on these looks like overhead</p> <p>7 lights inside the cab, you think the filaments in</p> <p>8 the headlights, taillights and everything else would</p> <p>9 not have been damaged or would still remain intact?</p> <p>10 A. More probable than not.</p> <p>11 DR. ROBINSON:</p> <p>12 Note, too, that he pointed to a</p> <p>13 headlight there in answer to your question</p> <p>14 earlier.</p> <p>15 BY MR. BRITTAIN:</p> <p>16 Q. Do you have any earthly idea on the</p> <p>17 difference in the amount of force that would have</p> <p>18 been applied to the interior lights versus the</p> <p>19 amount of force that will be applied to the exterior</p> <p>20 lights in the course of a rollover?</p> <p>21 A. No, I would -- I'm not going to go there.</p> <p>22 Q. And there is a certain amount of force --</p> <p>23 there's only a certain amount of force that a</p> <p>24 filament is going to withstand before it's going to</p> <p>25 break, right?</p>	<p style="text-align: right;">104</p> <p>1 filaments.</p> <p>2 A. We can't say that. I don't know that.</p> <p>3 Q. I know you don't, but assume that there was</p> <p>4 for purposes of this question. I get to ask you</p> <p>5 hypothetical questions.</p> <p>6 DR. ROBINSON:</p> <p>7 At what point in time? Are you</p> <p>8 talking about at the time of the --</p> <p>9 BY MR. BRITTAIN:</p> <p>10 Q. Is there ever a point in time, is there a</p> <p>11 situation where the exterior force on the filaments</p> <p>12 on the exterior lights would be greater than the</p> <p>13 force on the interior -- interior light filament</p> <p>14 that that situation could happen?</p> <p>15 A. I can't say as a mechanical. I'm not a</p> <p>16 mechanical. If I hit a vehicle, or a structure or</p> <p>17 something like that I'm hitting it with a certain</p> <p>18 amount of force. So everything that I'm hitting is</p> <p>19 going to be exposed to that force whether it's</p> <p>20 contained inside or outside. I'm confused by the</p> <p>21 question. I don't know how to respond.</p> <p>22 If you said that I have two bulbs and I hit</p> <p>23 them with a different amount of force I could say,</p> <p>24 yes, the one that's hit with the more force the</p> <p>25 filaments probably would be, you know, assuming we</p>
<p style="text-align: right;">103</p> <p>1 A. Yes.</p> <p>2 Q. So if the force applied to the exterior</p> <p>3 lights was much greater than the force applied to</p> <p>4 the interior light, it's very likely that those</p> <p>5 lights would have gone out and the interior lights</p> <p>6 or at least the filaments would not be damaged. Is</p> <p>7 that fair to say?</p> <p>8 A. Please restate the question.</p> <p>9 Q. If the force that was exerted on the</p> <p>10 exterior light filaments was much greater than the</p> <p>11 force exerted on the interior light filaments, is it</p> <p>12 likely that the exterior light filaments would be</p> <p>13 damaged while the interior light filaments would</p> <p>14 remain intact?</p> <p>15 A. Well, I don't think that's a question that</p> <p>16 we can answer because we don't know the difference</p> <p>17 between the force. How can you say there's a</p> <p>18 difference in force?</p> <p>19 Q. Just assume for purposes of my question</p> <p>20 that there is.</p> <p>21 A. There could be a difference in how the</p> <p>22 filament would withstand it. Answering the question</p> <p>23 that you are asking.</p> <p>24 Q. Assuming that there was a difference in</p> <p>25 force on the interior filaments and the exterior</p>	<p style="text-align: right;">105</p> <p>1 damaged both of them, this one would be more</p> <p>2 damaged. If I hit this one with more force would</p> <p>3 there be a better chance the one hit with more force</p> <p>4 would break more than the other one with less? Yes.</p> <p>5 Q. The lights on this tractor trailer, they</p> <p>6 could go out for numerous different reasons. Isn't</p> <p>7 that right?</p> <p>8 A. That's correct.</p> <p>9 Q. One would be like if you went up to them</p> <p>10 with a baseball bat and busted them all out. That's</p> <p>11 one way, right?</p> <p>12 A. Right.</p> <p>13 Q. Or the damage that would be put on the</p> <p>14 actual light and the filament itself from either the</p> <p>15 rollover or the collision. Is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Another way would be if a wire was severed</p> <p>18 or cut and the electricity could no longer get to</p> <p>19 it. Is that correct?</p> <p>20 A. Absolutely.</p> <p>21 Q. And that could also happen either in a</p> <p>22 rollover or from impact. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And another way I guess would be for the</p> <p>25 battery to malfunction?</p>

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<p>142</p> <p>1 for Engineers and Surveying?</p> <p>2 A. Yes.</p> <p>3 Q. What's the surveying; what is that?</p> <p>4 A. That's just to encompass all engineering</p> <p>5 and surveying, land surveying.</p> <p>6 Q. What about the Institute of Electrical and</p> <p>7 Electronics Engineers, are you a member of that,</p> <p>8 too?</p> <p>9 A. I am.</p> <p>10 Q. Is that a national organization?</p> <p>11 A. That's a worldwide organization.</p> <p>12 Q. Worldwide, okay. Under your experience you</p> <p>13 indicate that you have experience in dealing with</p> <p>14 motor start studies, things of this nature?</p> <p>15 A. That's right.</p> <p>16 Q. Does that encompass all types of motor</p> <p>17 starts, cars, trucks?</p> <p>18 A. No. That can only be large motors, any</p> <p>19 size motor.</p> <p>20 Q. But they do have the same principles as</p> <p>21 motors in cars, too, do they not?</p> <p>22 A. Yes.</p> <p>23 Q. Insofar as these companies that you have</p> <p>24 worked with, you've worked with companies I</p> <p>25 understand -- I see Valero Refining of Krotz</p>	<p>144</p> <p>1 A. Same situation.</p> <p>2 Q. Have you given any presentations on studies</p> <p>3 of relays and short circuit presentations or papers</p> <p>4 or anything?</p> <p>5 A. From time to time we do provide them. Our</p> <p>6 niche at the company is to provide -- increase</p> <p>7 reliability in protection of electrical systems, and</p> <p>8 that's what we're doing.</p> <p>9 Q. Insofar as the schematics and everything,</p> <p>10 the materials that you've indicated you reviewed and</p> <p>11 looked at and examined in this type of Kenworth</p> <p>12 truck -- it was what model, a T600?</p> <p>13 A. T600.</p> <p>14 Q. You've looked at the schematics on this</p> <p>15 truck, the electrical system and things of this</p> <p>16 nature and other similar Kenworth trucks and other</p> <p>17 trucks that may be outside the Kenworth family?</p> <p>18 A. Yes.</p> <p>19 Q. And do they basically all operate with the</p> <p>20 same electrical principles?</p> <p>21 A. Yes, they do.</p> <p>22 Q. And insofar as your report, you have</p> <p>23 indicated that you gave a report, and I think your</p> <p>24 report was listed as a project note came under</p> <p>25 LAPTEC, Incorporated, Power System Specialists, and</p>
<p>143</p> <p>1 Springs, Louisiana, unit short circuit study.</p> <p>2 You've done those kind of studies?</p> <p>3 A. Yes. Basically --</p> <p>4 Q. Unit relay coordination studies?</p> <p>5 A. We look at their electrical systems and</p> <p>6 provide reports on the state of it, how it operates,</p> <p>7 things like that.</p> <p>8 Q. And I see Marathon Ashland Petroleum of</p> <p>9 Texas City, Texas?</p> <p>10 A. That's right.</p> <p>11 Q. You've done plant wide short circuit</p> <p>12 studies, also?</p> <p>13 A. Yes. We provide them a means to increase</p> <p>14 reliability of their processes by doing some things</p> <p>15 with their electrical system.</p> <p>16 Q. I see Shell Refinery, Norco, Louisiana,</p> <p>17 short circuit calculations and relay coordination</p> <p>18 study.</p> <p>19 A. That's right. We look at all of the</p> <p>20 equipment, their electrical units to make sure</p> <p>21 they're reliable and are able to provide the service</p> <p>22 they need.</p> <p>23 Q. And I see in Pasadena, Texas, Agrifos,</p> <p>24 Incorporated, plant wide low flow studies and plant</p> <p>25 wide short circuit studies?</p>	<p>145</p> <p>1 it has project note, subject Vernell B. Morris case,</p> <p>2 and I think that was marked as one of the exhibits.</p> <p>3 Was it 1 or 2?</p> <p>4 MR. BRITTAIN:</p> <p>5 Exhibit 6.</p> <p>6 BY DR. ROBINSON:</p> <p>7 Q. I'm simply saying that was the essence of</p> <p>8 your report, was it not?</p> <p>9 A. That's correct.</p> <p>10 Q. And then you also had an affidavit</p> <p>11 executed, was it not? This affidavit which is the</p> <p>12 affidavit -- that's your affidavit is No. 2. It's</p> <p>13 already entered as Exhibit No. 2. This is the</p> <p>14 affidavit -- who notarized this affidavit? Was this</p> <p>15 notarized before a licensed notary in the State of</p> <p>16 Louisiana?</p> <p>17 A. Yes.</p> <p>18 Q. And is that notary's name Mr. -- looks like</p> <p>19 Frank R. --</p> <p>20 A. Travis LeBleu.</p> <p>21 Q. Travis, Travis R. LeBleu, from Baton Rouge,</p> <p>22 Louisiana?</p> <p>23 A. Yes.</p> <p>24 Q. Do you stand by the affidavit and the</p> <p>25 opinions that you reached and the conclusions that</p>

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<p>146</p> <p>1 you made? Do you stand by those opinions and</p> <p>2 conclusions?</p> <p>3 A. Yes.</p> <p>4 Q. Were they based upon your review of the</p> <p>5 evidence which you've already testified to?</p> <p>6 A. Yes.</p> <p>7 Q. And insofar do you feel that these</p> <p>8 conclusions and opinions are derived based upon due</p> <p>9 deference to sound electrical engineering principles</p> <p>10 and methodologies in that profession?</p> <p>11 A. Yes.</p> <p>12 Q. And insofar as your opinions, do you feel</p> <p>13 more probable than not that the opinions announced</p> <p>14 in paragraph 6 are more probable than not still your</p> <p>15 opinions today, that is that his detailed</p> <p>16 examination review of the aforementioned data</p> <p>17 gathered by the Alabama State Police and gathered by</p> <p>18 the accident reconstructionist and physicist Dr.</p> <p>19 Edward L. Robinson reveals that both vehicles, the</p> <p>20 1998 Morris Kenworth tractor trailer and the</p> <p>21 Thompson Peterbilt tractor, would have necessarily</p> <p>22 had their headlights on while traveling on the</p> <p>23 highway, and it is more probable than not that after</p> <p>24 experiencing the rollover all or substantially all</p> <p>25 of the Kenworth truck lights and trailer lights</p>	<p>148</p> <p>1 DR. ROBINSON:</p> <p>2 Subject to the objection.</p> <p>3 BY DR. ROBINSON:</p> <p>4 Q. And insofar as paragraph 8 there's a word</p> <p>5 here, and I'm sure the word is probably a typo but</p> <p>6 I'll ask. In paragraph 8 your affidavit says -- it</p> <p>7 has the word collection, and I think that word is</p> <p>8 supposed to be collision, but let me read the whole</p> <p>9 paragraph. That because the manufacturer's</p> <p>10 electrical schematics show that the lighting for the</p> <p>11 tractor trailer is routed within the structure of</p> <p>12 the cab or tractor it is more probable than not that</p> <p>13 the tractor and the tractor lights were on and</p> <p>14 clearly visible with the attendant tractor trailer</p> <p>15 and remained on and visible until the -- it says</p> <p>16 collection, but you mean collision, do you not?</p> <p>17 A. Yes.</p> <p>18 Q. --- collision by the 1995 Peterbilt. Do</p> <p>19 you still stand by that?</p> <p>20 MR. BRITTAIN:</p> <p>21 Object to the form.</p> <p>22 A. Yes.</p> <p>23 BY DR. ROBINSON:</p> <p>24 Q. And do you stand by the rest of the</p> <p>25 findings, particularly that of paragraph No. 9, That</p>
<p>147</p> <p>1 would have remained on and remained visible?</p> <p>2 MR. BRITTAIN:</p> <p>3 Object to the form.</p> <p>4 A. Yes.</p> <p>5 BY DR. ROBINSON:</p> <p>6 Q. And my question to you here I'd just like</p> <p>7 to ask is that insofar No. 7, is it still your</p> <p>8 opinion based upon your testimony here today that</p> <p>9 the manufacturer's data on the Kenworth truck</p> <p>10 confirms that the batteries in this type of 1998</p> <p>11 Kenworth tractor are designed mechanically to be</p> <p>12 held in place so as to prevent any movement and any</p> <p>13 disconnection, and for this reason, given all the</p> <p>14 ultra-securing structures that were in place, that</p> <p>15 it is more probable than not that the batteries and</p> <p>16 wiring was maintained and was still connected to the</p> <p>17 power source after the rollover event and remained</p> <p>18 on and connected until the collision impact by the</p> <p>19 1995 Peterbilt tractor trailer --</p> <p>20 A. Yes.</p> <p>21 Q. -- which totally knocked the 1998 Kenworth</p> <p>22 tractor loose from its trailer?</p> <p>23 MR. BRITTAIN:</p> <p>24 Object to the form.</p> <p>25 A. Yes.</p>	<p>149</p> <p>1 my personal examination and review of the pictures</p> <p>2 of the interior of the 1998 Kenworth revealed that</p> <p>3 the interior indicating lighting filaments were</p> <p>4 still intact even after the collision by the 1995</p> <p>5 Peterbilt tractor. This finding enables me to</p> <p>6 surmise to a reasonable degree of professional</p> <p>7 electrical engineering certainty that the exterior</p> <p>8 lights of the 1998 Kenworth cab and trailer were</p> <p>9 more probable than not intact and operating until</p> <p>10 impact collision with the 1995 Peterbilt tractor</p> <p>11 trailer which tore or disabled the 1998 tractor cab</p> <p>12 from its trailer.</p> <p>13 MR. BRITTAIN:</p> <p>14 Object to the form.</p> <p>15 BY DR. ROBINSON:</p> <p>16 Q. Do you still stand by that? Subject to the</p> <p>17 objection, is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. What about No. 10, Pursuant to my review of</p> <p>20 the accident reconstruction expert and physicist's</p> <p>21 report, Dr. Edward L. Robinson, and my review of the</p> <p>22 installation details from Kenworth, it is reasonable</p> <p>23 to state that the exterior lights would be more</p> <p>24 probable than not on and operating until the</p> <p>25 collision by the 1995 Peterbilt tractor trailer?</p>

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<p style="text-align: right;">154</p> <p>1 like the place close to where that light would be.</p> <p>2 Q. And look, right under here there's another</p> <p>3 area that tells us about lights under here. That</p> <p>4 looks like number -- is this 16, also? It says 16,</p> <p>5 17, whatever. Tell me.</p> <p>6 A. Sixteen, 17, 12 and 13.</p> <p>7 Q. So 16, 17, 12 and 13 or is it 18? It may</p> <p>8 be 18. But it shows that lights are supposed to be</p> <p>9 under the truck, also. When I say truck I mean</p> <p>10 under the tractor or the cab. What I'm trying to</p> <p>11 find out, and I'll just ask you this question --</p> <p>12 this photograph shows you better. One of them I</p> <p>13 have shows better. Right here. Here it is. This</p> <p>14 photograph here, it shows -- these are lights and</p> <p>15 not reflectors. Is that correct?</p> <p>16 A. Those are lights.</p> <p>17 Q. And what I'm saying is that isn't it more</p> <p>18 probable than not, would you have an opinion, Mr.</p> <p>19 LeBleu, that if the cab at the time prior to the</p> <p>20 collision if the cab were connected, and we have no</p> <p>21 testimony that's been introduced to say it was not</p> <p>22 connected prior to the collision, but if prior to</p> <p>23 the collision the cab was connected to the trailer,</p> <p>24 would these lights here, I'm pointing right here,</p> <p>25 would these lights under the trailer behind the</p>	<p style="text-align: right;">156</p> <p>1 Object to the form.</p> <p>2 A. If the light hit them?</p> <p>3 BY DR. ROBINSON:</p> <p>4 Q. Yes, sir.</p> <p>5 A. They would have been illuminated.</p> <p>6 Q. Does it appear that there are illuminating</p> <p>7 reflectors on there?</p> <p>8 A. Yes.</p> <p>9 DR. ROBINSON:</p> <p>10 What number are we on, Mr. Brittain?</p> <p>11 MR. BRITTAIN:</p> <p>12 The last one was 14.</p> <p>13 MR. ROBINSON:</p> <p>14 So if we could call this one, the</p> <p>15 first one I referred to about the lights</p> <p>16 behind the first set of wheels under the</p> <p>17 trailer and this one here is the reflectors</p> <p>18 on the trailer. I'd like to call this --</p> <p>19 you said 15? We were at 14. So this would</p> <p>20 be 15 and 16 if I'm correct. I stand to be</p> <p>21 corrected if I'm in error. I think it's 15</p> <p>22 and 16. So if we could attach these.</p> <p>23 BY DR. ROBINSON:</p> <p>24 Q. Does it still remain your opinion from</p> <p>25 looking at those fuses and looking at the headlight</p>
<p style="text-align: right;">155</p> <p>1 first four sets of wheels, isn't it more probable</p> <p>2 than not that these set of lights were supposed to</p> <p>3 still be on, also?</p> <p>4 MR. BRITTAIN:</p> <p>5 Object to the form.</p> <p>6 A. I think those lights would have been on. I</p> <p>7 can't say what specifically those lights are.</p> <p>8 BY DR. ROBINSON:</p> <p>9 Q. But it's more probable than not that they</p> <p>10 would have been on?</p> <p>11 A. Yes.</p> <p>12 Q. Insofar as even the reflectors -- this is</p> <p>13 the back of the trailer. The same US Department of</p> <p>14 Transportation, Office of Motor Vehicle Carrier</p> <p>15 Standards, Federal Motor Carrier has safety</p> <p>16 regulations referred to as ,D. They also require</p> <p>17 that these vehicles be equipped with illuminating</p> <p>18 reflectors. What I'm trying to say is that here is</p> <p>19 a photograph of Mr. Morris's vehicle. We know it's</p> <p>20 his vehicle because it has on the back of it Same</p> <p>21 Day Door To Door Service on it, okay, and it's</p> <p>22 flipped over. Do you see any indication of</p> <p>23 reflectors that are federally mandated to be on this</p> <p>24 that are supposed to be illuminated?</p> <p>25 MR. BRITTAIN:</p>	<p style="text-align: right;">157</p> <p>1 that was on the cab even after the incident from the</p> <p>2 pictures taken by Dr. Robinson or his assistant Mr.</p> <p>3 Messerschmidt that those fuses were intact and not</p> <p>4 blown out even after the collision?</p> <p>5 MR. BRITTAIN:</p> <p>6 Object to the form.</p> <p>7 BY DR. ROBINSON:</p> <p>8 Q. I say fuses. I meant filaments. I meant</p> <p>9 filaments of those light bulbs.</p> <p>10 A. They looked like they were intact after the</p> <p>11 collision.</p> <p>12 Q. What about the light from the headlight,</p> <p>13 did it look like that light was damaged that would</p> <p>14 have stopped it from burning prior to the collision?</p> <p>15 A. I cannot comment on the filament inside,</p> <p>16 but the exterior of the light looked like it was</p> <p>17 still intact.</p> <p>18 Q. Insofar as -- this is mundane so forgive me</p> <p>19 for doing this. About how many hours of preparation</p> <p>20 did you undertake or undergo to be prepared for this</p> <p>21 deposition today? Was it one, two, three, four</p> <p>22 hours, five or more?</p> <p>23 A. I would guesstimate --</p> <p>24 Q. We have to as reasonably as possible</p> <p>25 because it's on Attorney Brittain's tab here. He's</p>

1 already asked how much you charge an hour so we just
2 need to quantify.
3 A. I think it's -- just from the time we spent
4 I think eight hours is reasonable.
5 Q. And then for the time today if we started
6 -- what time did we start, Madame Reporter?
7 COURT REPORTER:
8 10:38.
9 BY DR. ROBINSON:
10 Q. At 10:38 and the deposition was scheduled
11 at 10:30. We started about eight minutes later.
12 And here it is now almost seven minutes before two.
13 What would that be, 10:30, 11:30, 12:30, 1:30, about
14 three and a half hours -- three hours and fifteen
15 minutes. You haven't received a check yet from Mr.
16 Brittain yet, have you?
17 A. No.
18 Q. So the total hours, the eight hours plus
19 the three of the deposition, or did you mean the
20 three to be part of the deposition, the preparation
21 hours and the deposition?
22 A. That's included.
23 Q. Just eight hours?
24 A. Yes.
25 DR. ROBINSON:

1 Q. And then one thing I think when you all
2 were reading that affidavit a little while ago, if I
3 understood your earlier testimony, you don't know
4 whether the lights, even if they were on, would have
5 been visible to Thompson and Tidwell. Is that
6 right?
7 A. That is true.
8 Q. And you don't know whether the tractor was
9 attached to the trailer at the time of impact with
10 the Peterbilt, do you?
11 A. I don't know that.
12 MR. BRITTAIN:
13 Thank you. That's all I've got.
14 (DEPOSITION CONCLUDED AT 1:49 P.M.)
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1 That's considerate of you. I'm sure
2 Attorney Brittain appreciates it, too. It
3 shows that you're a fair person, and we
4 appreciate it. But, again, I thank you so
5 very much, and these documents that you
6 have reviewed and everything, we thank you
7 for making them available to Attorney
8 Brittain so we could accommodate him. I
9 have no questions unless Attorney Brittain
10 has some.
11 (Off-the-record discussion.)
12 MR. BRITTAIN:
13 There were two Exhibit 11s.
14 DR. ROBINSON:
15 That would be most confusing. Thank
16 you for catching that.
17 MR. BRITTAIN:
18 I'm going to mark the March 28 fax
19 11A, and I'll make these pictures that you
20 drew for me 11B.
21 DR. ROBINSON:
22 11B and 11?
23 MR. BRITTAIN:
24 11A and 11B.
25 EXAMINATION BY MR. BRITTAIN:

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STATE OF LOUISIANA:
PARISH OF EAST BATON ROUGE:
This certification is valid only for a
transcript accompanied by my original signature and
original blue stamp on this page.
I, Kelly G. Young, Certified Court Reporter in
and for the State of Louisiana, as the officer
before whom this testimony was taken, do hereby
certify that the witness to whom oath was
administered, after having been duly sworn by me
upon authority of R.S. 37:2554, did testify as
hereinbefore set forth in the foregoing pages; that
this testimony was reported by me in the stenotype
reporting method, was prepared and transcribed by me
or under my personal direction and supervision, and
is a true and correct transcript to the best of my
ability and understanding; that I am not related to
counsel or to the parties herein, nor am I otherwise
interested in the outcome of this matter.
Baton Rouge, Louisiana, on this date,
_____, 2006.

KELLY G. YOUNG, RPR, CCR
Certificate No. 91025
State of Louisiana

